

**13885. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19926. I. S. No. 16486-v. S. No. E-5199.)**

On or about April 2, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases of tuna fish, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about December 4, 1924, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Tuna Standard All Light Meat \* \* \* Net Contents 7 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Tuna \* \* \* Standard All Light Meat Net Contents 7 Ounces," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13886. Adulteration and misbranding of evaporated apples. U. S. v. 72 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20023. I. S. No. 16418-v. S. No. E-5300.)**

On April 23, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Aspegren Fruit Co., from Sodus, N. Y., in various consignments, namely, on or about October 24, November 7, December 5 and 12, 1924, and January 9, 1925, respectively, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples Sulphured Packed By The Aspegren Fruit Co. Sodus, N. Y., Contents 6 Oz. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Contents 6 Oz. Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13887. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20407. I. S. No. 311-x. S. No. W-1770.)**

On August 20, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by Keith Bros., Curtis, Nebr., alleging that the article had been shipped from Curtis, Nebr., on or about August 14, 1925, and transported from the State of Nebraska into the State of Colorado, and charging

adulteration in violation of the food and drugs act. The article was labeled in part: "From Keith Bros. Cecil and Edgar, \* \* \* Curtis, Nebr."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On October 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13888. Adulteration of shell eggs. U. S. v. Clara J. Berry (Berry's Golden Rule Poultry Farm). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19000. I. S. No. 18726-v.)**

On December 18, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clara J. Berry, trading under the name of Berry's Golden Rule Poultry Farm, Clarinda, Iowa, alleging shipment by said defendant, in violation of the food and drugs act, on or about February 13, 1924, from the State of Iowa into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Berry's Golden Rule Poultry Farm, Clarinda, Iowa."

Examination by the Bureau of Chemistry of this department of 720 eggs from the shipment of 4 cases showed 354, or 49.1 per cent, inedible eggs, consisting of black rots, mixed rots, and spot rots, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13889. Misbranding of Kolide. U. S. v. 6 Dozen Packages, et al., of Kolide. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20353, 20354, 20355, 20356. I. S. No. 2113-x. S. Nos. C-5020, C-5021, C-5022, C-5023.)**

On August 24, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11½ dozen packages of Kolide, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Kolide Laboratories, New York, N. Y., in various consignments, namely, on or about March 27 and July 6, 20, 22, and 24, 1925, respectively, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "Kolide is of great benefit in the treatment of diseases which have baffled the medical world. Its marvelous properties are highly recommended for the treatment of Hardening of the Arteries, High Blood Pressure, Goiter, Obesity, Rheumatism, Neuritis, Sciatica, Lumbago, Anemia, Run-Down Condition, etc. \* \* \* When \* \* \* there is a lack of Iodine in the system, a person's health is seriously jeopardized. \* \* \* health and vigor giving element." (circular) "Its vitalizing power. \* \* \* 'Seamen never have arteriosclerosis; high blood pressure or apoplexy on account of breathing Iodine in the sea air. \* \* \* Iodine is the most successful tonic and vital element in the organism. It produces: (1) a sense of well being and comfort, as after inhalation of oxygen; (2) increases skin circulation; (3) stimulates circulatory system, increasing glandular activity and secretion of bile. \* \* \* regulates capillary circulation throughout the system. Lack of Iodine means poor circulation and functional inactivity. \* \* \* the antiseptic action is just as manifest internally as where applied on the skin—hence its influence on all foci of infections, pus pockets and diseases caused by infection, excessive intestinal fermentation, etc.' \* \* \* many serious ailments and complications \* \* \* can be relieved and remedied \* \* \* by the use of Kolide \* \* \* High Blood Pressure And Hardening Of The Arteries (an almost universal ailment of middle life) is caused by the ageing of the arteries, resulting from deposits of lime, which cling to the artery walls from lack of sufficient Iodine